IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

REVIEW PETITION LD.NO.66 OF 2004
IN
WRIT PETITION NO.506 OF 1998

Chief General Manager, Telecom Factory,
B. S. N. L. Deonar, Mumbai. ...Petitioner.
Vs.
All India Telecom Employees Union,
Class-III & Anr. ...Respondents.

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Mr.A. S. Rao for the Petitioner.
Mr.Jayprakash Sawant for Respondent No.2.

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CORAM : DR.D.Y.CHANDRACHUD, J.

December 17, 2004.

P.C.:

Upon the delay in filing the Review Petition being condoned, the Review Petition was taken on Board with the consent of both learned Counsel and taken up for hearing and final disposal.

2. In the order of this Court dated 16th June 2004, it has been observed thus, in paragraph 6 :

> "Similarly, the conclusion arrived at by the Tribunal to the effect that the employees would be entitled to the benefit

> of the service rendered in the Telecom factory for the purpose of pensionary and other benefits is affirmed."

3. Counsel appearing on behalf of the Review Petitioner has drawn the attention of the Court to the following finding of the Presiding Officer of the Central Government Industrial Tribunal in paragraph 34 of the order dated 22nd September 1997 :

> "Relying on the ratio given in this authority, it has to be said that these employees who rendered services in the canteen prior to 4/11/81 is also to be taken into consideration for awarding pensionary benefits only."

4. Relying on the observation of the Industrial Tribunal, it has been submitted that the Tribunal has held that the service rendered in the Canteen prior to 4th November 1981 would have to be taken into consideration for awarding pensionary benefits only. Hence, it has been submitted that the words "and other" in the order of this Court dated 16th June 2004, is an inadvertent error and need to be deleted. This prayer is not opposed on behalf of the Second Respondent to the Review Petition. Having regard to the observation contained in the order of the Tribunal, since the prayer to the limited extent as mentioned hereinabove, is not opposed, the said sentence in paragraph 6 of the order of this

Court dated 16th June 2004, needs to be corrected. The sentence, therefore, reads as follows :

> "Similarly, the conclusion arrived at by the Tribunal to the effect that the employees would be entitled to the benefit of the service rendered in the Telecom factory for the purpose of pensionary benefits, is affirmed."

5. The Review Petition is accordingly disposed of.

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